

Image 2863

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
HIROKI HAYASHI, et al.) Examiner: M. Nghiem
Application No.: 09/726,021) Group Art Unit: 2863
Filed: November 30, 2000)
For: SURFACE REFORMED FIBER BODY,)
LIQUID CONTAINER USING FIBER)
ABSORBER AND METHOD OF)
PRODUCING FIBER ABSORBER FOR) January 5, 2004
USE IN LIQUID EJECTION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION
AND REQUEST FOR CONSIDERATION OF
INFORMATION DISCLOSURE STATEMENT

Sir:

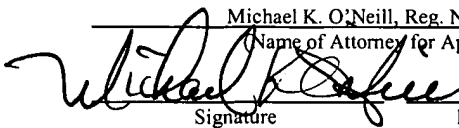
This is in response to the Office Action dated October 3, 2003 (Paper No. 19).

Claims 1 to 9, 25, 32, 33, 45 to 51, 53 and 62 are in the application, of which Claims 1, 2, 25, 32, 33, 45, 53 and 62 are still the only independent claims. Reconsideration and further examination are respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 5, 2004
(Date of Deposit)

Michael K. O'Neill, Reg. No. 32,622
(Name of Attorney for Applicant)

 January 5, 2004
Signature Date of Signature

Turning first to two formal matters, Applicants respectfully request consideration of the art cited in the Information Disclosure Statement dated July 29, 2003.

In a related matter, page 2 of the Office Action indicates that the co-pending Sanada application (Application No. 09/725,032) was not cited in the Information Disclosure Statement dated October 25, 2001.^{1/} Applicants are unsure of the significance of this comment, and respectfully request clarification.

Turning to the Office Action, all claims were rejected for obviousness-type double patenting over Claims 1 to 71 of the co-pending Sanada application in view of U.S. Published Application No. 2001/0035897 (Hayashi '897). The rejection is respectfully traversed for the reason that Hayashi '897 is not prior art to the subject application.

Specifically, the present application is entitled to a U.S. filing date of November 30, 2000. No date of Hayashi '897 is earlier than that date. Accordingly, Hayashi '897 is not prior art to the subject application. Withdrawal of the obviousness-type double patenting rejection is therefore respectfully requested, it being noted that Applicants maintain their position that a "provisional" obviousness-type double patenting rejection finds no basis in the law.

It is noted that the Examiner in the Sanada application has issued a further rejection, dated August 6, 2003, in which he cited additional art. The Examiner's attention is respectfully directed to this new Office Action and the additional art cited by the Examiner therein.

^{1/}Actually, the Office Action indicated that the date of the Information Disclosure Statement was 2003. It is clear from the record, however, that 2001 was intended.

In view of the foregoing, it is respectfully submitted that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


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